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Board of County Commissioners  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

## SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners  
FROM: Planning & Community Development  
DATE: 9/28/2023  
RE: P232; 2020 N. Ellicott – Cordero Fil 2 Rezone

### Project Description

A request by Angel Cordero for approval of a Map Amendment (Rezoning) of 16.59 acres from A-35 (Agricultural) to A-5 (Agricultural). The property is located at 2020 North Ellicott Highway and is 1½ miles north of the intersection of Ellicott Highway and Highway 24. The rezone to A-5 would allow for the property to be subdivided into 3 lots and meet the minimum 5-acre lot size required by the A-5 zoning district.

### Notation

Please see the Planning Commission Minutes from September 7, 2023, for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

### Planning Commission Recommendation and Vote

Ms. Brittain Jack moved / Ms. Merriam seconded for approval of the Map Amendment (Rezoning) utilizing the resolution attached to the staff report, with two conditions and two notations, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (7-0)**. There was no public opposition. The item was heard as a consent agenda item.

### Discussion

There was no discussion regarding this item.

### Attachments

1. Planning Commission Minutes from 9/7/2023.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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## EL PASO COUNTY PLANNING COMMISSION

### MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting  
Thursday, September 7, 2023  
El Paso County Planning and Community Development Department  
2880 International Circle – Second Floor Hearing Room  
Colorado Springs, Colorado

#### **REGULAR HEARING, 9:00 A.M.**

**PC MEMBERS PRESENT AND VOTING:** SARAH BRITTAIN JACK, JAY CARLSON, BRANDY MERRIAM, ERIC MORAES, BRYCE SCHUETTPELZ, WAYNE SMITH, AND CHRISTOPHER WHITNEY.

**PC MEMBERS VIRTUAL AND VOTING:** NONE.

**PC MEMBERS PRESENT AND NOT VOTING:** JIM BYERS.

**PC MEMBERS ABSENT:** THOMAS BAILEY, BECKY FULLER, JEFFREY MARKEWICH, KARA OFFNER, AND TIM TROWBRIDGE.

**COUNTY STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, JOSHUA PALMER, GILBERT LAFORCE, KYLIE BAGLEY, CARLOS HERNANDEZ MARTINEZ, DANIEL TORRES, ED SCHOENHEIT, ASHLYN MATHY, MIRANDA BENSON, AND LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** JENN EISENHART, WAYNE ROBINSON, GAIL ROBINSON, PATTY ERNST, MARGARET WEISHUHN, CHRIS JEUB, MATT DUNSTON, BARB KUNKEL, PAM RESNER, HEATHER TIFFANY, MIKE PROVENCAL, ALTON GANSKY, VICKI DAVIS, CORY TOWN, BRYAN CANAAN, JAKE VAN PELT, RIKKI VAN PELT, MELANIE SWEET, JOE BARAN, JANET SCHULTE, AND STEVE CLARK.

#### **1. REPORT ITEMS**

**A. Planning Department.** The next PC Hearing is Thursday, September 21, 2023, at 9:00 A.M.

#### **2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA.**

**Ms. Jenn Eisenhart** spoke about her difficult experience with a developer from a past project regarding utility improvements and following the approved design guidelines. She mentioned LDC Chapter 8 requirements. It was asked that she give her contact info to Mr. Kilgore so that he and Ms. Seago can investigate the situation and get back to her.

### 3. CONSENT ITEMS

A. Adoption of Minutes of meeting held August 17, 2023.

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (7-0).**

B. VR236

MATHY

**VACATION AND REPLAT  
POWERS CENTRE FILING NO. 3A**

A request by Oliver Watts Consulting for approval to Vacate and Replat one (1) lot into three (3) lots. The 5.55-acre property is zoned CR (Commercial Regional) and is located east and south of the intersection of Powers Boulevard and Palmer Park Boulevard. (Parcel No. 5406304050) (Commissioner District No. 2).

**NO PUBLIC COMMENT OR DISCUSSION.**

**PC ACTION: MORAES MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3B, FILE NUMBER VR236 FOR A VACATION AND REPLAT, POWERS CENTRE FILING NO. 3A, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SIX (6) CONDITIONS, ONE (1) NOTATION, AND A RECOMMENDED FINDING OF CONDITIONAL SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).**

C. P233

MATHY

**MAP AMENDMENT (REZONE)  
16850 STEPLER ROAD - REZONE**

A request by Charlie Stewart for approval of a Map Amendment (Rezoning) of 36.38 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The property is located at 16850 Stepler Road, approximately one-half mile from the intersection of Settlers Ranch Road and Stepler Road. (Parcel No. 6100000485) (Commissioner District No. 1).

**PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM BY MR. WHITNEY.**

D. MS226

MATHY

**MINOR SUBDIVISION  
MCDANIELS ROAD MINOR SUBDIVISION**

A request by Greg Zindorf for approval of a 40-acre Minor Subdivision illustrating four (4) single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 22755 McDaniels Road, at the corner of McDaniels Road and Log Road (Parcel No. 3400000295) (Commissioner District No. 4).

**PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER PUBLIC REQUEST.**

E. P232

BAGLEY

**MAP AMENDMENT (REZONE)  
2020 N. ELLICOTT - CORDERO FIL. 2 REZONE**

A request by Angel Cordero for approval of a Map Amendment (Rezoning) of 16.59 acres from A-35 (Agricultural) to A-5 (Agricultural). The property is located at 2020 North Ellicott Highway and is 1.5 miles north of the intersection of Ellicott Highway and Highway 24. (Parcel No. 3400000482) (Commissioner District No. 4).

**PC ACTION: BRITAIN JACK MOVED / MERRIAM SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3E, FILE NUMBER P232 FOR A MAP AMENDMENT (REZONE), 2020 N. ELLICOTT - CORDERO FIL. 2 REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).**

F. VA232

BAGLEY

**VARIANCE OF USE  
7135 TEMPLETON GAP - LANDSCAPING BUSINESS**

A request by Ben Fisk for approval of a Variance of Use on 5.00 acres to allow a contractors equipment yard in the RR-5 (Residential Rural) zoning district. The property is located at 7135 Templeton Gap Road and is 0.33 miles south of the intersection of East Woodmen Road and Templeton Gap Road. (Parcel No. 5307000005) (Commissioner District No. 2).

**PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM BY MR. CARLSON.**

**4. CALLED-UP CONSENT ITEMS:**

3C. P233

MATHY

**MAP AMENDMENT (REZONE)  
16850 STEPLER ROAD - REZONE**

A request by Charlie Stewart for approval of a Map Amendment (Rezoning) of 36.38 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The property is located at 16850 Stepler Road, approximately one-half mile from the intersection of Settlers Ranch Road and Stepler Road. (Parcel No. 6100000485) (Commissioner District No. 1).

**STAFF & APPLICANT PRESENTATIONS**

**Mr. Carlson** asked for the definition of Agricultural Stand and asked if produce could be both sold and stored.

**Ms. Mathy** answered that it could be any agricultural structure and doesn't specify the storage. She stated there should be a buffer between the stand and neighbors. Presentation continued.

**Mr. Whitney** asked if the area was surrounded by RR-5.

**Ms. Mathy** answered that it is surrounded by RR-5 and PUD.

**Mr. Whitney** asked how the lots are smaller than 5 acres if the zoning is RR-5.

**Ms. Mathy** answered that they may have been platted that way, which can happen for many reasons.

**Mr. Carlson** asked to be shown which parcels are less than 5 acres.

**Ms. Mathy** pointed several out on the slideshow image. Presentation continued.

**Mr. Whitney** clarified that even though they are only requesting to rezone currently, they could have the ability to subdivide later. Ms. Mathy confirmed. Presentation Continued.

**Mr. Kilgore** answered the earlier question regarding surrounding lot sizes. The adjacent properties are 3.82, 2.5, and 2.5 acres. Presentation Continued.

**Ms. Herington** provided clarification that the surrounding area is not entirely RR-5. She referred to an image in the presentation. The pink represents a PUD of 2.5-acre zoning.

**Mr. Whitney** referred to the staff report's analysis.

**Ms. Mathy** explained that different resources (GIS, Assessor, etc.) were showing different results, but the PUD is accurate.

**Mr. Carlson** asked about the zoning of the lot directly north of the subject property.

**Ms. Merriam** asked for the GIS overlay of the surrounding area.

**Ms. Mathy** showed the GIS of the zoning. The parcel immediately north is PUD.

**Ms. Merriam** asked if livestock is on the properties south and east of the subject property.

**Ms. Mathy** answered that the zoning is RR-5.

**Ms. Herington** added that livestock would be allowed on those properties, but PCD can't answer whether or not they're raising livestock.

**Mr. Whitney** stated he's familiar with the area and there is livestock. Presentation continued.

**Mr. Moraes** pointed out that the rezone map provided by the applicant shows RR-5 as the surrounding zoning.

**Mr. Noah Brehmer**, with Kimley Horn & Assoc., reiterated that there is a disconnect between the Assessor's Office and the current PUD zoning per GIS. The PUD is correct.

**NO PUBLIC COMMENTS. NO FURTHER DISCUSSION.**

**PC ACTION: BRITAIN JACK MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM NUMBER 3C, FILE NUMBER P233 FOR A MAP AMENDMENT (REZONE), 16850 STEPLER ROAD -**

**REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FIVE (5) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (6-1).**

**IN FAVOR:** BRITTAIN JACK, CARLSON, MORAES, SCHUETTPELZ, SMITH, AND WHITNEY.

**IN OPPOSITION:** MERRIAM.

**COMMENTS:** MS. MERRIAM is concerned about losing land in the eastern part of the County. It's part of the culture. MR. SCHUETTPELZ clarified that he felt comfortable recommending approval because the area is truly surrounded by RR-2.5 and PUD of that same size. This is a good transition.

**3D. MS226**

**MATHY**

**MINOR SUBDIVISION  
MCDANIELS ROAD MINOR SUBDIVISION**

A request by Greg Zindorf for approval of a 40-acre Minor Subdivision illustrating four (4) single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 22755 McDaniels Road, at the corner of McDaniels Road and Log Road (Parcel No. 3400000295) (Commissioner District No. 4).

**STAFF & APPLICANT PRESENTATIONS**

**Ms. Merriam** asked if each property would need their own well and septic systems. (Carlos confirmed) She then asked if septic systems would affect the floodplain.

**Ms. Seago** explained that the State Engineer's Office issues the well permits and determines location. The County Public Health Department issues septic system permits and determines location.

**Mr. Carlson** asked if driveways could cross the floodplain.

**Mr. Hernandez Martinez** answered that he doesn't think they can. Grading within a floodplain is deferred to the PPRBD Floodplain Administrator and is typically not allowed.

**Ms. Herington** added that the floodplain is in a "no-build" area identified on the plat which would mean that no roads or driveways are allowed within that area.

**Mr. Carlson** clarified then that if homes were built on the south side of the floodplain, they would not be able to access Log Road to the north.

**Mr. Hernandez Martinez** agreed and stated they would need access from McDaniels Road.

**Mr. LaForce** stated he needed to make a correction. He stated "no-build" refers to structures. Roads and/or driveways could be allowed but would need additional permitting from the PPRBD Floodplain Administrator. It's not generally recommended because someone could be stranded in their home if they're not able to cross their driveway during a flood. There is no ECM criterion that says they can't do it.

**Ms. Herington** reiterated that from the Planning perspective, when single-family home site plans are reviewed by PCD, they *are* evaluated with the floodplain and "no-build" designation in mind.

She stated PCD would have a say in the site of the homes and whether they cross the floodplain. It is PCD's intent that the homes should not need to cross the floodplain to access the road.

**Mr. Carlson** stated that he is concerned that someone in the future could propose subdividing the lots further (for example, cutting each lot in half). He asked if the newly created lots could be granted access to any other road besides McDaniels Road to the north.

**Ms. Herington** stated that if someone was proposing a subdivision in the future, they would need to go through this same process and that topic would be explored at that time.

**Mr. Whitney** asked if the property was currently zoned RR-5. (Ms. Mathy confirmed.) He further asked if the area is surrounded by A-35 zoning. (Ms. Mathy confirmed.)

**Mr. Carlson** clarified that the rezoning was already approved.

**Ms. Mathy** confirmed and further stated that the proposed lots exceed the RR-5 5-acre minimum.

**Mr. Carlson** asked what the word "illustrated" means within the context used for this project. Is that implying there would be a later change to the number of lots.

**Ms. Mathy** used the word "shown". She further stated that the 4 lots currently proposed are also what is shown on the applicant's Final Plat. They are each under 10 acres.

**Ms. Herington** mentioned that the lot sizes are under 10 acres each, so they would not easily be able to further subdivide as Mr. Carlson was asking. Presentation continued.

**Mr. Smith** asked how much area is available on which to build a home under the assumption that home sites will be restricted to the north of the floodplain on the western lot.

**Mr. Guman**, with William Guman & Assoc., stated he did not have the exact amount of square footage available, but there should be plenty of space to accommodate a home of a similar size to the existing home on the far eastern lot. There's no way to know where a future owner will propose to build a home, but it cannot be within the floodplain.

**Ms. Herington** asked Ms. Mathy to clarify the next steps in the process before homes are built.

**Ms. Mathy** explained that after this Minor Subdivision, individuals may pull building permits and bring site plans to the PCD admin staff for review. Nothing further is presented to PC/BOCC.

**Mr. Guman** added that the PPRBD Floodplain Administrator will also review the plans. Presentation continued.

**Mr. Byers** asked if the existing driveway will be relocated or if there is a proposed access easement. If the land is subdivided, that driveway would go through a neighboring lot.

**Mr. Guman** stated a new driveway will be built.

## **PUBLIC COMMENTS**

**Mr. Wayne Robinson** stated that McDaniels Road was recently out of service for 3 weeks due to a 16' deep, 28' long washout. He stated that all the water that comes from the north runs through the eastern proposed lots.

**Ms. Gail Robinson** stated that the proposed lots would access McDaniels road along her pasture. She stated that when they purchased their property, it was surrounded by 40-acre lots. She discussed the past zoning changes in the area. There are subdivided parcels but there are also large-acreage parcels. McDaniels Road washed out in June of 2023. She stated that people would need to build driveways on bridges if they put their homes south of the floodplain. She thinks the Master Plan calls for the area to be preserved.

**Mr. Moraes** clarified that the Planning Commission failed to make a motion regarding the McDaniels rezone in November of 2022, resulting in no recommendation being sent to the BOCC.

**Ms. Patty Ernst** stated she raises cattle and horses in the area. She spoke about zoning. There are RR-5 5-acre lots on Hwy 94 in the Mayberry subdivision. She opposed those rezones. When there was flooding on the subject parcel, the flooding also went across Log Road. She disagrees with the size of the parcels due to the floodplain. She discussed the overall acreage being different that the buildable acreage. She doesn't think the land should be subdivided into 4 lots.

## **DISCUSSION**

**Mr. Moraes** asked if there is any type of warning the County issues to a potential buyer that a property contains a floodplain.

**Ms. Seago** answered that it's depicted on the plat which is recorded as public record. A potential property owner doing their due diligence should easily find that information.

**Ms. Brittain Jack** commented that Ms. Robinson has her own 40 acres that she can do with as she wishes. This application is about someone else's private property.

**PC ACTION: BRITTAIN JACK MOVED / SCHUETTPELZ SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM NUMBER 3D, FILE NUMBER MS226 FOR A MINOR SUBDIVISION, MCDANIELS ROAD MINOR SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TEN (10) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (6-1).**

**IN FAVOR:** BRITTAIN JACK, CARLSON, MERRIAM, MORAES, SCHUETTPELZ, AND WHITNEY.

**IN OPPOSITION:** SMITH.

**COMMENTS:** Mr. Smith thinks floodplain concerns need to be further investigated. Mr. Whitney commented that zoning concerns are not part of the consideration regarding the subdivision request.



**VARIANCE OF USE  
7135 TEMPLETON GAP - LANDSCAPING BUSINESS**

A request by Ben Fisk for approval of a Variance of Use on 5.00 acres to allow a contractors equipment yard in the RR-5 (Residential Rural) zoning district. The property is located at 7135 Templeton Gap Road and is 0.33 miles south of the intersection of East Woodmen Road and Templeton Gap Road. (Parcel No. 5307000005) (Commissioner District No. 2).

**STAFF & APPLICANT PRESENTATIONS**

**Mr. Carlson** asked about the location of the driveway.

**Mr. Hernandez Martinez** referenced a map in the presentation to show the driveway on Templeton Gap Road. Presentation continued.

**Mr. Carlson** asked about the City zoning on the property to the south.

**Ms. Bagley** stated she would research the City's zoning while the applicant presents. (The applicant addressed the answer during their presentation. The southern area is zoned PUD AO, and the western area is zoned C6.) Presentation continued.

**Mr. Carlson** asked about the current layout of the lot. Does it match the proposed site plan?

**Mr. Fisk**, the applicant, answered that most of the lot matches the site plan and meets all setbacks.

**Mr. Schuettpelz** asked why rezoning was not an option.

**Mr. Fisk** stated City services (e.g., water) are not yet available. As the southern parcel is developed, it may become an option.

**Mr. Schuettpelz** asked how lacking City services prevented rezoning. Can he operate with his well and septic systems?

**Mr. Fisk** mentioned the cost of bringing the water line to his property.

**Mr. Schuettpelz** clarified that he's not talking about annexation, he is asking why rezoning to commercial within the County isn't an option.

**Ms. Bagley** explained that if the applicant wanted to rezone to commercial, he would need to apply for a commercial well. That could also allow for greater commercial development to move into the area near the existing residential. By pursuing a Variance of Use, that surrounding residential area is protected.

**NO PUBLIC COMMENTS****NO FURTHER DISCUSSION**

**PC ACTION: MERRIAM MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM NUMBER 3F, FILE NUMBER VA232 FOR A VARIANCE OF USE, 7135 TEMPLETON GAP - LANDSCAPING BUSINESS, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).**

## 5. REGULAR ITEMS

### A. MS233

**BAGLEY**

#### **MINOR SUBDIVISION GUNNERS RIDGE**

A request by Drew Makings for approval of a 38.83-acre Minor Subdivision illustrating four (4) single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 12172 Goodson Road and is directly northwest of the intersection of Goodson Road and Ayer Road. (Parcel No. 5214000014) (Commissioner District No. 2).

#### **STAFF & APPLICANT PRESENTATIONS**

**Mr. Moraes** asked for clarification regarding the requested waiver from the LDC.

**Ms. Bagley** clarified that the letter of intent indicates no waiver, but the applicant does need to request a waiver. This was caught during the review process. The applicant was not asked to resubmit a new letter of intent. She apologized that the waiver was not part of the PC report packet and ensured the BOCC would be presented with the waiver request. Presentation continued.

**Mr. Moraes** asked if lining the three smaller lots on the eastern side had been considered. Would that have forgone requesting the waiver?

**Mr. Drew Makings**, the applicant, stated that it may have forgone the waiver, but would not have allowed for buildable lots due to the powerline easements along the eastern side of the parcel.

#### **NO PUBLIC COMMENTS**

#### **DISCUSSION**

**Mr. Moraes** asked to review the criteria of approval for a waiver from the LDC (Section 7.3.3). As he looks through the criteria, he isn't sure the request meets criteria number 5.

**Mr. Makings** stated that one of the requirements was to have a shared driveway. If the subdivided lots were moved to the east, it would not be possible to meet that requirement.

**PC ACTION: SCHUETTEL MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM NUMBER 5A, FILE NUMBER MS233 FOR A MINOR SUBDIVISION, GUNNERS RIDGE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, TWO (2) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER**

**QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (6-1).**

**IN FAVOR:** BRITAIN JACK, CARLSON, MERRIAM, SCHUETTPELZ, SMITH, AND WHITNEY.

**IN OPPOSITION:** MORAES.

**COMMENTS:** Mr. Moraes stated he did not think the criteria of approval for the waiver were met, so he could not vote in favor of the application.

## **5. REGULAR ITEMS**

**B. AL2217**

**HOWSER**

### **SPECIAL USE COLORADO KIDS RANCH PUMPKIN PATCH**

A request by Colorado Pumpkin Patch, LLC for approval of a Special Use on 40.52 acres to allow agritainment activities with additional conditions in the RR-5 (Residential Rural) zoning district. The property is located at 18065 Saddlewood Road. Agritainment is a permitted use by right in the RR-5 zoning district; however, agritainment which does not comply with the provisions of the Land Development Code shall require Special Use approval. (Parcel No. 611600001) (Commissioner District No. 1).

#### **STAFF PRESENTATION**

**Mr. Carlson** asked if the applicant could still operate the pumpkin patch with a 50-car limit if this proposal is not approved.

**Mr. Kilgore** confirmed. They may need to adjust the site plan, but it would remain approved.

**Mr. Carlson** stated the tulip festival was retroactively denied.

**Mr. Kilgore** confirmed and clarified that a future tulip festival could be approved with a 50-car limit. The presentation continued.

**Mr. Carlson** asked if the property had access to Hwy 105.

**Mr. Kilgore** stated it does not. Traffic gains access through the subdivision. Presentation continued.

**Mr. Moraes** asked if access to Hwy 105 would have been allowed if they were proposing a subdivision.

**Mr. Torres** answered that it would not likely meet the requirements of the ECM, but a deviation request would need to be submitted to analyze the specific details. There is a subdivision just north of this location that has temporary access to Hwy 105. That plat identifies that Hwy 105 access shall be closed once access is provided from another road to the northeast.

**Mr. Moraes** stated the western red line on the presentation image looks like it is covering something.

**Mr. Torres** stated it's an existing driveway that does not connect to Hwy 105. Presentation continued.

**Mr. Carlson** clarified during presentation of the conditions/notations that PCD could retract approval of the Special Use if the applicant is found to be in violation.

**Mr. Kilgore** stated that would be at the discretion of the BOCC. PCD could not directly rescind approval, it would need to go through a process.

**Mr. Moraes** asked how long that process takes. Is it a longer timeframe than these events occur?

**Mr. Kilgore** answered that he doesn't have an exact amount of time because it involves the Code Enforcement procedure. Once a complaint is received, the officer goes out to observe, issues a notice of violation, and they give the property owner time to remedy the situation. If it's not resolved, the Executive Director issues a letter, which escalates to the BOCC. It takes time.

**Mr. Moraes** commented that the agritainment events are short-term.

**Mr. Kilgore** agreed and noted the background slides of the presentation did show that multiple Code Enforcement cases were closed because the event had discontinued during that process. Presentation continued.

**Mr. Whitney** clarified that the applicant could host their events with 50 cars today. (Mr. Kilgore confirmed.) Mr. Whitney further clarified that the current request is to host their events with up to 325 cars. (Mr. Kilgore confirmed.) Mr. Whitney asked what effect the 120-day requirements outlined in the proposed conditions of approval would have on hosting this year's pumpkin patch event.

**Mr. Kilgore** answered that his understanding is that the applicant is requesting approval of this proposal prior to hosting this year's pumpkin patch event so they can operate under this Special Use approval of 325 cars and work on the necessary improvements (Site Development Plan and screening improvements) in a tiered system afterwards to get where they need to be for the following season.

**Mr. Whitney** clarified that approval of this proposal with the existing conditions/notations would take effect for the 2024 season. This year's pumpkin patch event would proceed with 325 cars and no improvements. By next year, they will need to meet the outlined conditions.

**Mr. Kilgore** confirmed and made note of condition 4; roadway improvements prior to 9/1/2024.

## **APPLICANT PRESENTATION**

**Mr. Moraes** asked how the number of 325 was decided as the maximum number of cars.

**Ms. Ruiz**, with Vertex Consulting, answered that they evaluated the highest number of cars they experienced recently (275) and added a buffer.

**Mr. Carlson** pointed out that it was mentioned several times during the presentation that events are only currently taking place for 6 weeks and 2 weekends during the year. He asked if the applicant could host events at the proposed capacity throughout the entire year if this proposal is approved.

**Ms. Ruiz** stated that could be correct; theoretically, they could be in operation all year.

**Mr. Carlson** asked if there is anything keeping people from parking on the public roads and walking into the event if the event meets the capacity of 325 cars.

**Ms. Ruiz** answered that terms within the LDC for Special Use specify that all parking must be on-site. Off-site parking could result in revocation of the approval.

**Mr. Kilgore** stated that they would expect people to park on-site.

**Mr. Carlson** proposed a scenario where people may be turned away from the parking lot due to the set limit. If that family then parked on the public road and walked into the event, what would happen? That could happen because there's nothing to keep people from parking on the road.

**Mr. Kilgore** stated he would defer to Code Enforcement to answer that question.

**Mr. Moraes** asked if the traffic generation table during the applicant's presentation was using the assumption of 325 vehicles. (Ms. Ruiz confirmed.) He then asked how May 15<sup>th</sup> relates to the annual tulip festival.

**Ms. Ruiz** answered that it may fluctuate depending on when the bloom occurs, but May 15<sup>th</sup> is typically the first weekend of the tulip festival.

## **PUBLIC COMMENTS IN SUPPORT**

**Ms. Margaret Weishuhn** is concerned that the cars may be limited to 50. There are workers at every amenity. After employee parking, that wouldn't leave many spaces for visitors. Limiting parking would shut down the pumpkin patch. There are pros and cons to the location but it should be in the country. People know about the pumpkin patch and travel to it every year. The Chapmans run Awana and help neighbors. She stated the pumpkin patch is good for families.

**Mr. Chris Jeub** stated that traffic and congestion were commonly mentioned in the letters of opposition, but he didn't observe any problems on his frequent travels to Denver while taking Hwy 105. He thinks trust should be put in the traffic studies. He mentioned the Master Plan and stated it encourages agricultural business like the pumpkin patch. He stated the sacrifice the Chapmans are presenting to maintain this type of business is encouraging to him. He urged the PC to "make this work" through the bumps in the road and to approve the 325 parking spots for the limited time it would be used to keep the pumpkin patch as part of the County.

**Mr. Matt Dunston** stated the pumpkin patch is a key feature of the area. He stated that parties with musicians at Limbach Park in Monument have more than 50 cars gathered. When thinking of the region, he thinks about Monument Academy, churches, golf courses, and the YMCA. He thinks the pumpkin patch is in the perfect location. He spoke about the background of the property. The pumpkin patch honors agrarian roots. He referenced Ms. Ruiz' comments regarding the BOCC adopting the 50-car limit. He stated the past BOCC acknowledged that some could exceed that 50-car limit when it makes sense and meets the criteria. He stated PC and BOCC typically review land-use items that deviate from what has historically been there, but he thinks this proposal (to allow up to 325 cars) keeps what has historically been there. He added that it may not be for the PC to

discuss, but \$750,000 (the applicant's estimated cost of improvements) is a lot of money. He thinks the County should help with that cost.

**Ms. Barb Kunkel** stated she supports investing in kids, teenagers, and the future. She stated the pumpkin patch is important to the kids in the community. She likes the hands-on learning and environment. She has a tradition that all families from her martial arts school go to the pumpkin patch together. Their group alone would exceed 50 cars. The Chapmans are looking for a solution that sustains the business and the farm with a win-win to the community and their family. The pumpkin patch has become a local tradition for many people of all ages.

**Ms. Pam Resner** is disappointed that a solution was not agreed upon before getting to this point. She works at the pumpkin patch. She mentioned that the Master Plan addresses tourism, which the pumpkin patch increases. People come from surrounding towns and cities. The business trains future workers who then go out in the community and share their experience. Kids learn service and community interaction. She stated it's a healthy, safe place to gather for teens. She stated the Master Plan identifies employment in the area should be promoted. She stated youth programs, schools, and businesses gather at the pumpkin patch to strengthen connections, which promotes the health, safety, and wellness of the community.

**Ms. Heather Tiffany** shared that her daughters both work at the pumpkin patch and love being there. She referenced a moment earlier in public hearing where a woman was opposed to the subdivision of 40 acres near her; Ms. Brittain Jack stated that the owner of the 40 acres can use it how they want. She stated the Chapmans are choosing to use their land in this way and they should be able to use it how they'd like.

## **PUBLIC COMMENTS IN OPPOSITION**

**Mr. Mike Provencal** stated that this neighborhood is an equestrian residential neighborhood. He doesn't understand how a business license was issued within a residential neighborhood. He has observed their business growing and a changed limit in their parking. He stated that he sees this as a company wanting to make more money at the neighborhood's expense. He stated that while he was walking his dog on Canterbury Dr last pumpkin patch season, he encountered a friend and her daughter riding horses. The traffic disregarded the speed limit and ignored the pedestrians and horseback riders so that they had to go into the shoulder to avoid being hit. He doesn't think a business like this belongs in their neighborhood.

**Mr. Alton Gansky** stated the Canterbury Dr is a narrow winding road with many hills. There are inadequate shoulders and steep drop-offs. When there is two-way car traffic, it becomes very dangerous for anyone walking dogs or riding horses. He stated there is a need for dust control and mitigation. Dust can linger in the air for up to 10 days. He researched articles on carcinogens caused by traffic. Traffic needs to slow down. He stated there are 4 entrances to the neighborhood that lead to Canterbury Dr which was not meant for heavy two-way traffic. He thinks someone is going to get hurt. Spraying water on the road to mitigate dust is going to cause the wells to run dry. All 4 roads within the subdivision would need to be paved, or the pumpkin patch would need to be given access to Hwy 105. He can't go outside when they are having events.

**Ms. Vicki Davis** stated she no longer feels safe walking down her own street. The children can no longer ride their bikes and neighbors with horses can no longer ride on the roads. She stated the pumpkin patch is an amazing thing, but they're not taking the neighborhood and families into consideration. They have never followed the existing 50-car limit and have not been held accountable. She doesn't believe they will follow a 325-car limit or keep events limited to 6 weeks and 2 weekends as they declare.

**Mr. Cory Town** lives at the intersection of Canterbury and Saddlewood. He supports the activities promoted by the pumpkin patch but he stated that the effect it's having on his property during the events is terrible. He does not oppose the agritainment permit as it exists with a 50-car limit because that is what he believes to be reasonable when they only have access through the residential community. He understood traffic would increase when this began 5 years ago, but the limit has been exceeded many times. He is concerned for the safety of children and people walking or riding horseback in the community. He mentioned the excessive amount of dust caused by traffic on dirt roads that are not meant for the high volume of use. He also mentioned the fire risk; there is only one entrance/exit on a small dirt driveway with no access to Hwy 105. There are no fire hydrants in the Canterbury subdivision. He observed people littering trash, and once saw someone flick a cigarette butt from their car window as he was blocked from exiting his driveway. He stated cars already park along Saddlewood (as was discussed earlier in the hearing). He stated that he has continuously had to pick up trash on his property along Saddlewood.

**Mr. Bryan Canaan** (Gave presentation, slideshow attached.) Topics included argued compatibility with the Master Plan: large-lot residential should preserve the rural aesthetic, businesses should not be located on a rural residential dirt road, and there should be compatibility with the character of the existing developed area. Semi-trucks deliver pumpkins to the property because they're not grown on-site. Topics also included the quantity and scale of commercial-style events (year-round), the high number of people visiting the property, not meeting the State's definition of "agritourism", and attractions not being agricultural in nature as defined by State legislation.

**Mr. Jake Van Pelt** (Gave presentation, photos attached.) Topics included: Traffic putting their kids in danger, the dust causing hazardous breathing conditions, and the events overburdening the community infrastructure and environment.

**Ms. Rikki Van Pelt** (Gave presentation, photos attached.) Topics included how she believes the application does not meet 2 Special Use criteria of approval; number 2, The Special Use will be in harmony with the character of the neighborhood and will generally be compatible with the existing and allowable land uses in the surrounding area; and number 6, The Special Use will not otherwise be detrimental to the public health, safety, and welfare of the present or future residents of El Paso County. The community is a quiet equestrian neighborhood. The dust caused by the high volume of traffic on the dirt road is affecting her health. Events held on the property have not been following the existing regulations. The scale of traffic is causing unsafe conditions.

**Ms. Melanie Sweet** (Gave presentation, photos attached.) Topics included: The existing roads being used for the high volume of traffic, the safety of pedestrians, and the safety of her family. The traffic and street parking blocked access to her own property. She supports agriculture, but

the reality of what is taking place on the subject property is dangerous. Livestock were once allowed to open graze. The current use is not preserving the land.

**Mr. Joe Baran** stated he was almost hit by cars twice on Canterbury Drive last fall during weekday pumpkin patch events. After that happened, he counted 51 cars traveling south and 29 cars traveling north on Canterbury within 15 minutes. He stated it's unsafe within his neighborhood.

**Ms. Janet Schulte** stated she was disappointed by the applicants' failure to address the safety measures that they will take moving forward. She reiterated that the applicant has not complied with the initial agritainment permit. She doesn't have confidence that the proposed 5-year public improvement mitigation plan will be followed. The traffic issue makes it unsafe for residents. There is no screening proposed along the east side of the property.

**Mr. Steve Clark** (on the phone) mentioned that most letters received in support are not residents that have to live with the excessive traffic in their covenant-controlled subdivision. He stated this type of proposal would not be allowed within other covenant-controlled subdivisions like Broadmoor. He reiterated the discussion regarding unsafe traffic. He stated the proposed fencing for mitigation would destroy the open, rural aesthetic. Without Hwy 105 access, he is opposed to the application.

## **DISCUSSION**

**Mr. Craig Dossey**, with Vertex Consulting, addressed the public comments. He stated that the neighborhood being described as a residential equestrian neighborhood is "categorically wrong" because the LDC does not limit the use to residential or equestrian. He stated it is not a residential equestrian neighborhood. He addressed the agritainment use within the neighborhood and mentioned that the State made sure to define agritainment as a land-use type. He stated the Chapmans are not exceedingly profitable. They cannot control the behavior of traffic, but they are proposing safe improvements. He disagrees with County staff's traffic improvement assessment because he thinks the intersection is already functioning at an acceptable level of service. Dust caused by cars would be addressed when the road improvements are completed, and he stated the dust being caused by the activities is less than it would be if they were farming the land. Addressing the concerns that high levels of traffic for events will be year-round; it could be. He stated that anyone who runs a business and is expected to put in the financial investment that the County is requiring would need to host events year-round to see a return. He stated he's not sure horses should be allowed on the neighborhood roads. They're public-maintained roads. Mr. Chapman tried to get access off Hwy 105 but the County denied the deviation. He disagreed that the Master Plan calls for businesses to gain access off a major roadway because it specifically says, "located on", not "accesses onto". The business is adjacent to Hwy 105. Access points onto arterial roads are limited. He stated agritainment is more in-line with the character of the area than single-family development because agriculture predates residential. Regarding the allegations of disregard for the rules, he stated that Mr. Kilgore's timeline showed a history of compliance and that litigation for non-compliance was never initiated. He stated County staff gave the Chapmans bad information and once Mr. Chapman realized his business needed to grow and that he was not in compliance, he realized he needed to make improvements. He stated that residents set out speed and counting strips and found that speeding was not an issue. Screening was not proposed on the east side of the property because a fence would not block anything due to topography. The homes on the east



side are higher in elevation and it would take a taller structure than a standard fence to be effective, which would increase the cost to Mr. Chapman. He mentioned that the neighbor across the driveway from the Chapmans sent in a letter of support. He then reiterated comments made by those in support of the agritainment use. He stated the modified conditions that they proposed in their presentation make a compromise that the applicant can meet. He stated the Chapmans would never be able to afford the road improvements if they were limited to 50 cars.

**Ms. Merriam** asked if a partnership with law enforcement to address traffic was explored.

**Mr. Dossey** stated Mr. Chapman didn't anticipate his business growing like it did. There's no way to anticipate the number of cars each day. He thinks Mr. Chapman would be open to hiring law enforcement, but that depends on cost.

**Mr. Whitney** asked for Mr. Dossey's rebuttal to the assessment that the events are no longer agricultural in nature, no longer agritainment, but are more of an amusement park.

**Mr. Dossey** answered that he doesn't think there's a great definition of agritainment. He stated that when agritainment was drafted in the LDC, they looked to the State for a definition but that wasn't a lot of help. He stated that not every accessory land-use is going to be captured explicitly in the definitions, but that doesn't mean it's not compatible with the principal use. A pumpkin patch by itself may be boring. Some of the attractions are necessary to maintain the business, however there's a fine line between what is necessary for the business and it turning into something else. That's why the site plan is reviewed.

**Mr. Whitney** stated that was his understanding from the comments of opposition; while it began with the right idea, it has morphed into something different.

**Mr. Dossey** replied that it happens with Variance of Use and Special Use applications; a slide into something different. However, the site plan and the letter of intent are enforceable documents. If it's not within those documents, it's not allowed on the property.

**Mr. Moraes** asked if there's an admission fee for the events on the property.

**Mr. Dossey** verified with the applicant that there is an admission fee.

**Mr. Moraes** then stated that the use seems to be sliding into the "Amusement Center, Outdoor" definition from the LDC. There are several similarities. He thinks there can be a case that it falls under outdoor amusement center when it goes from a fall festival and a tulip festival to year-round events to make money.

**Mr. Dossey** stated that applicants depend on PCD staff to determine what the use is.

**Mr. Moraes** commented that a citizen could go to PCD staff and say it's not agritainment anymore. If PCD staff agrees, it could become a Code Enforcement issue.

**Mr. Smith** asked if the pursuit of access to Hwy 105 had been exhausted. He asked if there was a way to appeal the denial of access.

**Mr. Dossey** answered that when he was the Planning Director in the past, it was his belief that any decision he made should be able to be appealed to the BOCC. He then stated that when they asked if they could appeal the engineering department's denial, they were told no. He stated there is no avenue for them to appeal.

**Ms. Herington** added that the County Engineer is in attendance and can give more information of the reasoning behind the denial for access off Hwy 105. Things have changed since Mr. Dossey was the Director. The County Engineer and Engineering are both now under Public Works.

**Mr. Dossey** stated he wanted to correct Ms. Herington and the County Engineer was in a different department when he was Director and he could not override the County Engineer.

**Mr. Carlson** reminded the audience that the PC decision is a recommendation to the BOCC and not a final decision.

**Mr. Moraes** asked what PCD staff thought of the applicant's proposed conditions of phasing.

**Mr. Carlson** asked if there were now 10 conditions of approval.

**Mr. Kilgore** clarified that the applicant's representation has proposed 10 conditions. PCD staff's 4 recommended conditions are the compromise between the applicant's request and what is required by Code. He stated the application is still going back and forth with review comments and Ms. Ruiz just submitted a revised Letter of Intent (that is before the board). He stated the application has not been addressed to PCD staff's satisfaction.

**Mr. Moraes** noted that the limit of 325 cars is not listed in the 4 conditions on the resolution.

**Mr. Kilgore** stated that could be added. Normally there is a condition of approval that refers to the letter of intent, but that hasn't been finalized at this point.

**Mr. Moraes** agreed that it normally refers to the letter of intent, but the conditions presented refer to the site plan, which he does not see limiting the cars to 325. He referred to the rebuttal comment that the applicant can't control the behavior of the drivers and comparisons to traffic in other areas of Colorado Springs, but a major difference in this area is the lack of sidewalks. Canterbury Dr and Saddlewood Rd are local roads, not arterials or collectors. When he looks at the ECM definition for local roads, it says, "accesses shall not be allowed to compromise the safety, health or welfare of roadway users." The roadway users are vehicles, pedestrians, and, in this area, horseback riders. The applicant spoke on levels of service, which is all about traffic and turning movements, but nothing about safety. The criteria of approval for Special Use talks about hazards. He reiterated that the Special Use request is about increased cars over 50, not agritainment. The applicant's rebuttal was mostly about the agritainment, not the increase in cars. He stated that he reads the criteria of approval by replacing the term "special use" with "more than 50 vehicles". For example, will *more than 50 vehicles* create traffic hazards in the surrounding area? He wonders if the increase in the number of cars can be allowed incrementally. For example, allow up to 100 cars to see how it is going, or the increase in allowed vehicles will only be permitted until a certain date and then will be reevaluated. He suggested increments for if more events are added and the requested 325 cars is no longer 6 weeks of the year but 30 weeks of the year. As it is presented now, it's going from 50 allowed cars to 325 allowed cars on the property, which he thinks is too far regarding safety on a local roadway.

**Mr. Whitney** clarified that Mr. Moraes would read the fourth criteria of approval as, "The allowance of 325 cars will not create unmitigated traffic congestion or traffic hazards in the surrounding area...".

**Mr. Moraes** answered that he would use the phrase, "anything more than 50" because that's what is already allowed.

**Ms. Merriam** asked again if law enforcement should be guiding people during events. Is law enforcement the proper use for public safety?

**Mr. Moraes** responded that the idea is doable but hasn't been part of the plans submitted by the applicant. Providing law enforcement as a mitigating solution has not been included or offered in the application. The concern is not Hwy 105, but after the traffic is in the neighborhood.

**Ms. Merriam** asked if PCD staff considered law enforcement.

**Mr. Kilgore** answered that PCD cannot compel the applicant to hire off-duty law enforcement. He wasn't part of PCD when this project began, but he usually suggests to applicants that it would be in their best interest to involve law enforcement when hosting major events.

**Mr. Carlson** asked Ms. Seago what the PC should consider as the request because he sees different language in paperwork in front of him, including differing conditions and notations.

**Ms. Seago** answered that she understands the focus of the discussion has been a limit of 325 cars, though that is not part of the conditions. PC can add that to the conditions. The PC is considering agritainment under added parameters.

**Mr. Carlson** clarified that the added parameters are the conditions and notations.

**Ms. Seago** confirmed. The conditions and notations are up to the PC.

**Mr. Carlson** sought clarification on what is being requested.

**Ms. Herington** added that it's difficult because there is no approved site development plan. The number 325 came from the traffic study, which triggered the roadway improvements needing to be installed. The County is not recommending a limit of 325 cars, just saying that the number 325 was used in the traffic study to determine roadway improvements. The site development plan will show how many parking spots on-site are being requested, which drives the limit of vehicles. She suggested that if the PC wants to add a condition of approval to include a limit to the number of vehicles, PCD staff would need to have a site plan to look at to determine that possibility.

**Mr. Kilgore** agreed and added that Ms. Seago or the PC can come up with added recommended conditions for the BOCC.

**Mr. Schuettpelz** added that in addition to the potential limit on the number of vehicles, the PC is also considering the conditions regarding the timeline of the required improvements. PCD made recommendations and the applicant has come back with a suggested 5-year span. He compared the situation to when other developers come in with proposals; they're not given negotiated timelines to make improvements.

**Mr. Moraes** stated he didn't think the request was ready for "prime time". He referred to the PCD recommended conditions of approval. The applicant didn't seem to have objections to number 1, but there is no site plan presented. How can they vote on the recommendation if they don't have a site plan in front of them?

**Ms. Herington** answered that a site plan as referenced in condition number 1 is included with the packet and shows the general location of fencing, etc. Condition number 2 specifies that a site *development* plan is required within 120 days. The site development plan gives more specific details.

**Mr. Moraes** understood.

**Mr. Carlson** clarified that if they approve of what they have presented before them, it would be after this year's pumpkin patch before improvements are made.

**Mr. Kilgore** advised that the BOCC will consider this application on 9/14/2023 at 1:30 p.m.

**Mr. Dossey** clarified that the site development plan doesn't get reviewed by the PC or BOCC. The site plan is tied to the Special Use and is reviewed by the BOCC, and the site development plan is reviewed administratively. Regarding the discussion of hiring officers or off-duty law enforcement as traffic mitigation, he stated the County told them it was not a viable option and physical improvements to the roads were still required. He stated they've tried to mitigate the traffic impact but can only work within what the engineers and regulations tell them to do.

**Ms. Brittain Jack** mentioned a previous project that had multiple agencies collaborating.

**Mr. Dossey** mentioned that part of the solution for that project was to lease parking space from another nearby business. He stated that he discussed with the applicant, and Mr. Chapman is agreeable to setting the parking limit at 325 and delineating the spaces so the County can verify.

**Mr. Whitney** stated he would feel better about having a defined number included in the conditions instead of leaving it open to anything over 50 vehicles.

**Mr. Josh Palmer**, the County Engineer, spoke with Ms. Merriam to clarify what she meant when suggesting uniformed traffic control.

**Ms. Merriam** clarified that law enforcement has its own definition of public safety, and since public safety is listed in the LDC criteria, she is unsure if the County has a definition of public safety and if PCD needs to coordinate with law enforcement.

**Mr. Palmer** gave details about the discussion that took place between his department and the applicant. He stated they had discussed the possibility of using a temporary work zone as an alternative to the requirement for turn lanes or other improvements to Hwy 105. When Mr. Dossey mentioned that the idea was shot down, it wasn't done to dissuade uniformed traffic control as a mitigation factor to the neighborhood. They only denied using work zone conditions as an alternative to the requirement to install turn lanes on Hwy 105. His primary concern regarding any improvement in the area is its impact on Hwy 105 because it is an arterial roadway. He listed types of concerns that are evaluated. He mentioned that something not considered

within the discussion on level of service was the traffic already using the two-lane road. He stated there are no turn lanes or shoulders, so as traffic is leaving or turning into the neighborhood, it backs up and causes delays. He explained that depending on how far the back-up goes, it could cause site-distance issues and cause accidents. Part of the discussion with the applicant included work zone conditions (flaggers, traffic control, etc.) but it was not appropriate. He stated that uniformed traffic control may still be an option that could be pursued further, but it's more applicable to the safety concerns (speeding, parking, unsafe driving, etc.).

**Ms. Merriam** asked if Mr. Palmer is indicating there are other options that have not been evaluated.

**Mr. Palmer** stated he does not recall if uniform traffic control was specifically discussed but it could be an option. He does not see it as a viable option to get around the requirement for intersection improvements on Hwy 105. He added that the County is open to additional traffic control measures within the neighborhood (signage, reinforcement, etc.). One of those options could be uniformed traffic control but he's unsure of their availability.

**Ms. Brittain Jack** mentioned another area on Hwy 105 that has no traffic control and asked about its mitigation.

**Ms. Seago** questioned the relevance of the issue.

**Ms. Brittain Jack** clarified that she's asking about access off Hwy 105.

**Mr. Palmer** answered that it would be mitigated by installing turn lanes.

**Ms. Brittain Jack** further clarified that there are other instances along Hwy 105 where access has been granted and she wonders if the rules apply the same to everyone.

**Ms. Seago** responded that because her example involves a school, it was not required to go through the same site development plan process with the County. She added that if they had been required to go through the same process, Ms. Brittain Jack may not be experiencing the traffic situation she described.

**Mr. Palmer** agreed and added there is a project in the works on Hwy 105 to mitigate traffic issues.

**Mr. Carlson** reiterated that the applicant has agreed to an added condition limiting the vehicle count to 325. If applicable, he reminded anyone making a motion to include that detail if they choose.

***(A motion was made with no modification to the County's recommended conditions or notations)***

**Mr. Moraes** agreed that the pumpkin patch is great for the community and the County, but he is considering the application as it has been presented. He believed the incremental conditions suggested by the applicant were reasonable. He would have liked to see an incremental gain in the number of vehicles allowed to see how it works, especially with the history of violations. Though they are discussing the intersections, they are not focusing on the safety within the Canterbury neighborhood. He is not in support of the motion.

**Mr. Whitney** clarified that Ms. Brittain Jack did not include an added condition of approval to limit the number of parked vehicles at 325. (She did not.)

**Mr. Carlson** explained that the way the motion was made, they would be recommending approval of the Special Use to allow more than 50 cars. They would not be recommending a limit on the number of vehicles or anything else.

**PC ACTION: BRITTAIN JACK MOVED / MERRIAM SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM NUMBER 5B, FILE NUMBER AL2217 FOR SPECIAL USE, COLORADO KIDS RANCH PUMPKIN PATCH, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FOUR (4) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION FAILED (2-5), RESULTING IN A RECOMMENDATION FOR DENIAL.**

**IN FAVOR:** BRITTAIN JACK AND MERRIAM.

**IN OPPOSITION:** CARLSON, MORAES, SCHUETTELPELZ, SMITH, AND WHITNEY.

**Ms. Merriam** stated she believes that both sides have another way to address the issue but there's an answer in there. She stated that she voted in support of the motion because she thinks there needs to be more options available than were discussed.

**Mr. Schuettpelz** stated that in addition to earlier comments, he disagreed with the timeframe proposed to make the necessary improvements. The applicant stated they wouldn't be able to complete the improvements in the recommended time, but he believes 5 years is too long. He doesn't think the discussion of turning traffic adequately addresses the nature of the problem. Regarding the criteria of approval, he stated the added traffic *does cause* an undue burden.

**Mr. Carlson** agreed that the pumpkin patch is fantastic for the community, but it is causing a negative impact on the neighborhood. He doesn't think the BOCC or State intended that a venue should be routed through a residential neighborhood when they promoted agritainment. Other pumpkin patches that he can think of are more remote and when people are exiting, they have easier access to major roads. He hopes they can find a solution but thinks that directing the proposed number of people through a neighborhood will be tough to get done.

**C. NON-ACTION ITEMS - NONE.**

**MEETING ADJOURNED** at 3:09 P.M.

**Minutes Prepared By:** Miranda Benson

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

Brittain Jack moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-23-002  
2020 N. ELLICOTT HWY - CORDERO FIL 2 REZONE

WHEREAS, Angel Cordero did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the A-35 (Agricultural) zoning district to the A-5 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by this Commission on September 7, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a map amendment, the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B (Map Amendment, Rezoning) of the El Paso County Land Development Code (as amended):

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Angel Cordero for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the A-35 (Agricultural) zoning district to the A-5 (Agricultural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the A-5 Agricultural zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.



NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Merriam seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / <u>absent</u>
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / <u>non-voting</u> / recused / absent
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / <u>absent</u>
Jeffrey Markewich	aye / no / non-voting / recused / <u>absent</u>
Brandy Merriam	<u>aye</u> / no / non-voting / recused / absent
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / <u>absent</u>
Bryce Schuettpelez	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	<u>aye</u> / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 7 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 7<sup>th</sup> day of September 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

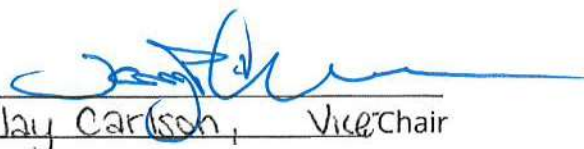
By:   
Jay Carlson, Vice Chair

EXHIBIT A

Lot 2, Cordero Minor Subdivision, El Paso County, Colorado.

COMMISSIONERS:  
CAMI BREMER (CHAIR)  
CARRIE GEITNER (VICE-CHAIR)

HOLLY WILLIAMS  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

**PLANNING & COMMUNITY DEVELOPMENT**

**TO:** El Paso County Planning Commission  
Thomas Bailey, Chair

**FROM:** Kylie Bagley, Planner III  
Carlos Hernandez, Engineer I  
Meggan Herington, AICP, Executive Director

**RE:** Project File Number: P232  
Project Name: 2020 N. Ellicott – Cordero Fil 2 Rezone  
Parcel Number: 3400000482  
Current Zone: A-35 (Agricultural)  
Proposed Zone: A-5 (Agricultural)

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Angel Cordero 2020 N Ellicott Hwy Calhan, CO 80808	Angel Cordero 2020 N Ellicott Hwy Calhan, CO 80808

**Commissioner District: 4**

<b>Planning Commission Hearing Date:</b>	<b>9/7/2023</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>9/28/2023</b>

**EXECUTIVE SUMMARY**

A request by Angel Cordero for approval of a Map Amendment (Rezoning) for 16.59 acres from A-35 (Agricultural) to A-5 (Agricultural). The property is located at 2020 North Ellicott Highway and 1 ½ miles north of the intersection of Ellicott Highway and Highway 24. (Parcel No. 3400000482) (Commissioner District No. 4)



**A. WAIVERS/DEVIATIONS/AUTHORIZATION**

**Waiver(s)/Deviation(s):** There are no waivers/deviations associated with this application.

**Authorization to Sign:** There are no documents associated with this application that require signing.

**B. APPROVAL CRITERIA**

In approving a Map Amendment (Rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (As Amended):

- The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
- The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S §30-28-11, §30-28-113, and §30-28-116;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

**C. LOCATION**

North:	A-35 (Agricultural)	Single-Dwelling Residential
South:	A-5 (Agricultural)	Single-Dwelling Residential
East:	A-5 (Agricultural)	Single-Dwelling Residential
West:	A-35 (Agricultural)	Single-Dwelling Residential

**D. BACKGROUND**

The applicant is requesting a rezone from the A-35 (Agricultural) zoning district to the A-5 (Agricultural) zoning district. The property is 16.59 acres and does not meet the minimum lot size requirement of 35 acres in the A-35 zoning district.

A separate Minor Subdivision application has been submitted (PCD File Number MS229) requesting the property to be subdivided into 3 single-family residential lots of the following sizes: Lot 1: 6.57 acres, Lot 2: 5.01 acres, and Lot 3: 5.00 acres.



**E. ZONING DISTRICT COMPARISON**

The applicant is requesting to rezone 16.59 acres to the A-5 (Agricultural) zoning district. The A-5 (Agricultural) zoning district is intended to conserve agricultural resources and ranching operations and accommodate limited residential use. The density and dimensional standards for the existing and proposed zoning districts are as follows:

	Existing Zoning District: A-35 (Agricultural)	Proposed Zoning District: A-5 (Agricultural)
Maximum Density	-	-
Minimum Lot Size	35 acres	5 acres <sup>2</sup>
Minimum Width at Front Setback	500 ft	200 ft
Front Setback	25 ft	25 ft
Rear Setback	25 ft	25 ft
Side Setback	25 ft	25 ft
Maximum Lot Coverage	None	None
Maximum Height	30 ft	30 ft

*<sup>2</sup>In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.*

The 16.59-acre parcel does not meet the minimum lot size for the A-35 zoning district. If the property is rezoned to A-5, the property could be subdivided into 3 lots while still meeting the minimum lot size of 5 acres.

**F. MASTER PLAN COMPLIANCE**

**1. Your El Paso County Master Plan**

**a. Placetype Character:** Rural

*The Rural placetype comprises rangeland, farms, and other agricultural uses. The primary land use in this placetype is agriculture however residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development within the Rural placetype typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County.*



*Rural areas typically rely on well and septic and parcels for residential development tend to be substantial in size. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places, making access to regional transportation routes, such as Highway 24 and Highway 94, vital to the quality of life for rural community residents.*

*The agricultural lands that Rural areas contain represent a valuable economic resource and unique lifestyle that should be preserved. The Rural placetype includes agricultural lands which represent a valuable economic resource and allow for a unique lifestyle that should be preserved. As growth occurs, some Rural areas may develop and transition to another placetype, however leapfrog development should be discouraged, by pro-actively permitting changing areas contiguous to existing development to another placetype.*

### **Recommended Land Uses:**

#### *Primary*

- *Agriculture*
- *Parks/Open Space*
- *Farm/Homestead Residential*

#### *Supporting*

- *Estate Residential (Minimum 1 unit/5-acres)*
- *Institutional*

### **Analysis:**

The Rural Placetype supports the County's established agricultural and rural identity. This placetype is uniquely sensitive to new development due to limited water access and infrastructure making sustainable growth a priority. Relevant goals and objectives are as follows:

**Objective LU1-1:** *Some areas of the County should be planned for new development, while other areas should be preserved, protected, or see little new development.*

**Objective LU3-2:** *The agricultural lands within the Rural placetype represent a valuable economic resource and unique lifestyle that should be preserved.*

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The Rural Placetype supports estate residential which has a minimum of 1 unit per 5 acres. The subject property is directly south, north, and west of properties zoned A-5 and are used for single-dwelling residential homes. The applicant intends to create 3 residential lots which would be a minimum of 5 acres each.

**b. Area of Change Designation:** Minimal Change: Undeveloped

*The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.*

**Analysis:**

The applicant intends to rezone the property to A-5 and subdivide into three lots for residential uses. The property will match the zoning district of the surrounding properties, which are currently zoned A-5. The A-5 property to the north is approximately 2 acres in size and the A-5 property to the south is approximately 7 acres. By rezoning to A-5 and having a minimum of 5 acre parcels the subject property would be in conformance with the surrounding lots and would be keeping with the character of the surrounding properties.

**2. Water Master Plan Analysis**

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

**Goal 1.1** – *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

**Policy 1.1.1** – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

**Goal 1.2** – *Integrate water and land use planning.*

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The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

The Plan identifies the current demand for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 for Region 4c is at 3,967 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 4c is at 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.

A finding of water sufficiency is not required with a Map Amendment; however, it is required with any future subdivision request.

### **3. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderately wildlife impact potential. El Paso County Environmental Division was sent a referral and has no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2022).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

No hazards have been identified as part of this application.

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## 2. Floodplain

The FEMA Flood Insurance Rate Map No. 08041C0807G indicates that the property is outside of a floodplain. There are no expected impacts from the proposed rezone and future use to a floodplain.

## 3. Drainage and Erosion

The property is located within the Ellicott Drainage Basin (CHBS1600) and Hook and Line Ranch Drainage Basin (CHBS1800). The property was platted as Lot 2, Cordero Minor Subdivision in 2021. Both the Ellicott and Hook and Line Ranch drainage basins do not have basin nor bridge fees assessed at this time. Drainage and bridge fees are not assessed with Map Amendment (Rezone) requests.

Due to the anticipated subdivision, a final drainage report will be required at the Minor Subdivision review stage. The final drainage report shall provide hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development to downstream properties and stormwater runoff. A grading and erosion control plan is not required with this rezone application but may be needed if improvements are required or if 1 acre of land disturbance is proposed at the minor subdivision stage.

## 4. Transportation

The property is located west of North Ellicott Highway which is an El Paso County (EPC) owned and maintained roadway classified as a rural-major collector. The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) shows the classification of Ellicott Highway upgrading to a rural two-lane minor arterial by 2040. There is an existing residence on the property that obtains direct access to North Ellicott Highway through a driveway. This existing driveway was approved in 2016 and has the file number AP161268. Per the EPC Engineering Criteria Manual (ECM) Chapter 2.2.5 additional accesses to Ellicott Highway will not be allowed due to the road classification. The future lots will have to apply for individual driveway access permits and obtain access through an existing shared access easement, Bunny View, that is north of the current lot.

The proposed rezone and subsequent subdivision into a total of 3 lots is projected to generate 30 vehicle trips per day (ADT) at buildout. A traffic impact study was not required at this time; however a traffic impact study may be required at the



subdivision stage. The development will be subject to the El Paso County Road Impact Fee program (Resolution No. 19-471), as amended, fees will be due at the time of building permit application.

## **H. SERVICES**

### **1. Water**

Water is provided by an existing well.

### **2. Sanitation**

Wastewater is provided by an existing onsite wastewater treatment system (OWTS).

### **3. Emergency Services**

The property is within the Ellicott Fire Protection District.

### **4. Utilities**

Mountain View Electric Association will provide electricity.

### **5. Metropolitan Districts**

The subject property is not within a metro district.

### **5. Parks/Trails**

Land dedication and fees in lieu of park land dedication are not required for a Map Amendment (Rezoning) application.

### **6. Schools**

Land dedication and fees in lieu of school land dedication are not required for a Map Amendment (Rezoning) application.

## **I. APPLICABLE RESOLUTIONS**

See attached resolution.

## **J. STATUS OF MAJOR ISSUES**

There are no outstanding major issues.

## **K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment,

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Rezoning) of the El Paso County Land Development Code (As Amended), staff recommends the following conditions and notations:

### **CONDITIONS**

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the A-5, Agricultural, zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

### **NOTATIONS**

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified nine adjoining property owners on August 18, 2023 for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

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**M. ATTACHMENTS**

Maps Exhibit

Vicinity Map

Letter of Intent

Rezone Map

Draft Resolution

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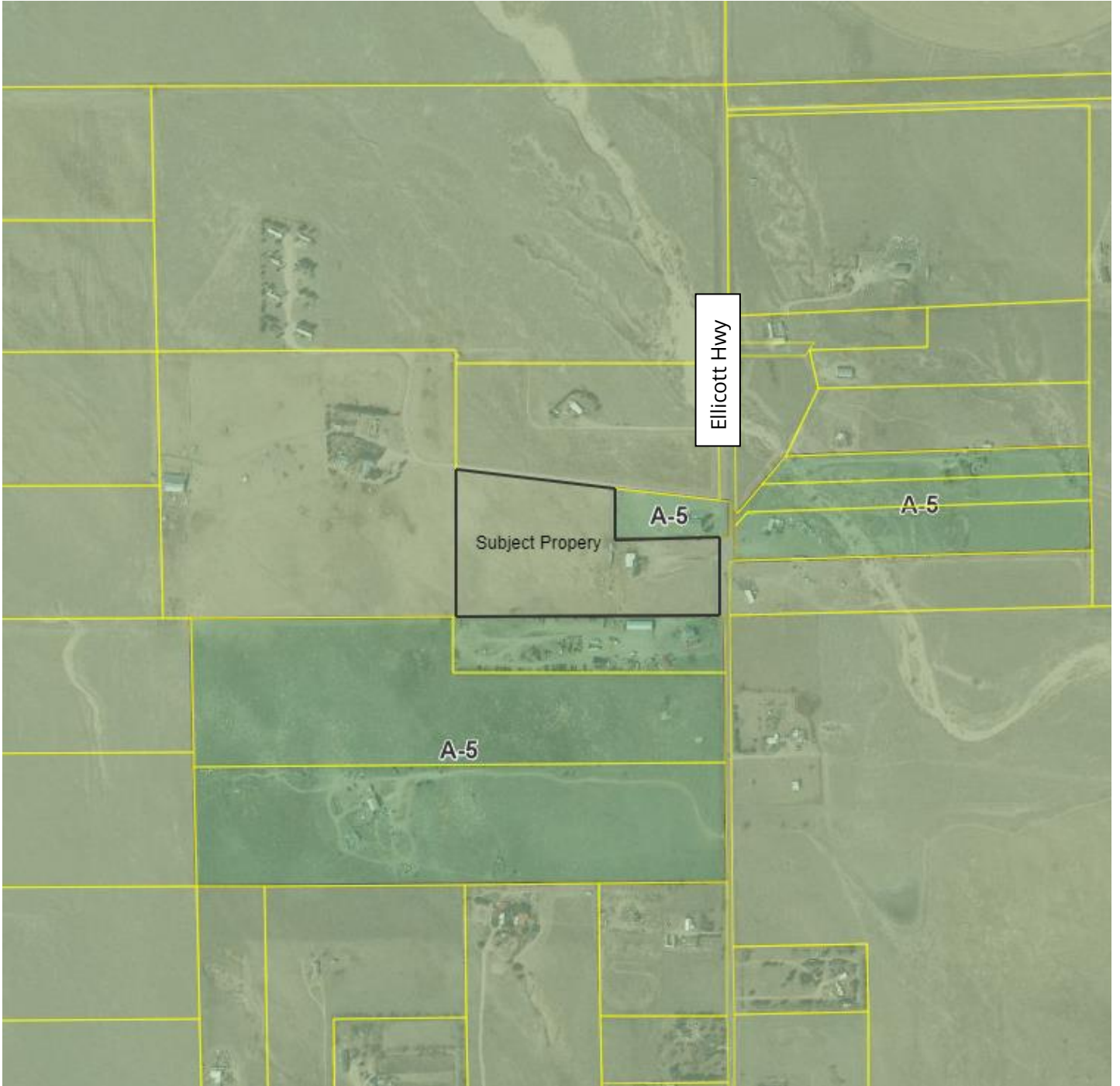


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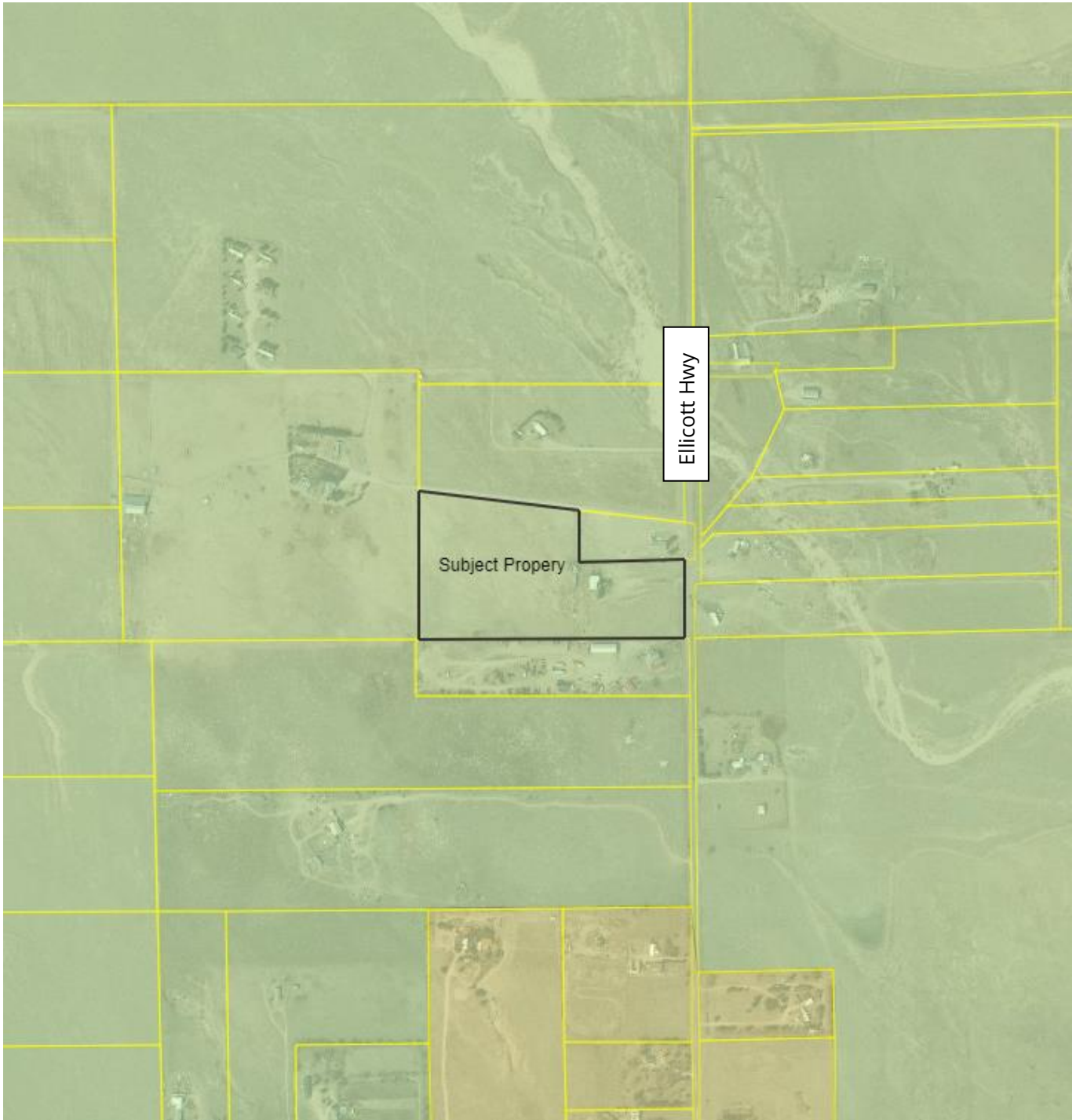
# Map Exhibit #1: Aerial















# Map Exhibit #2: Zoning



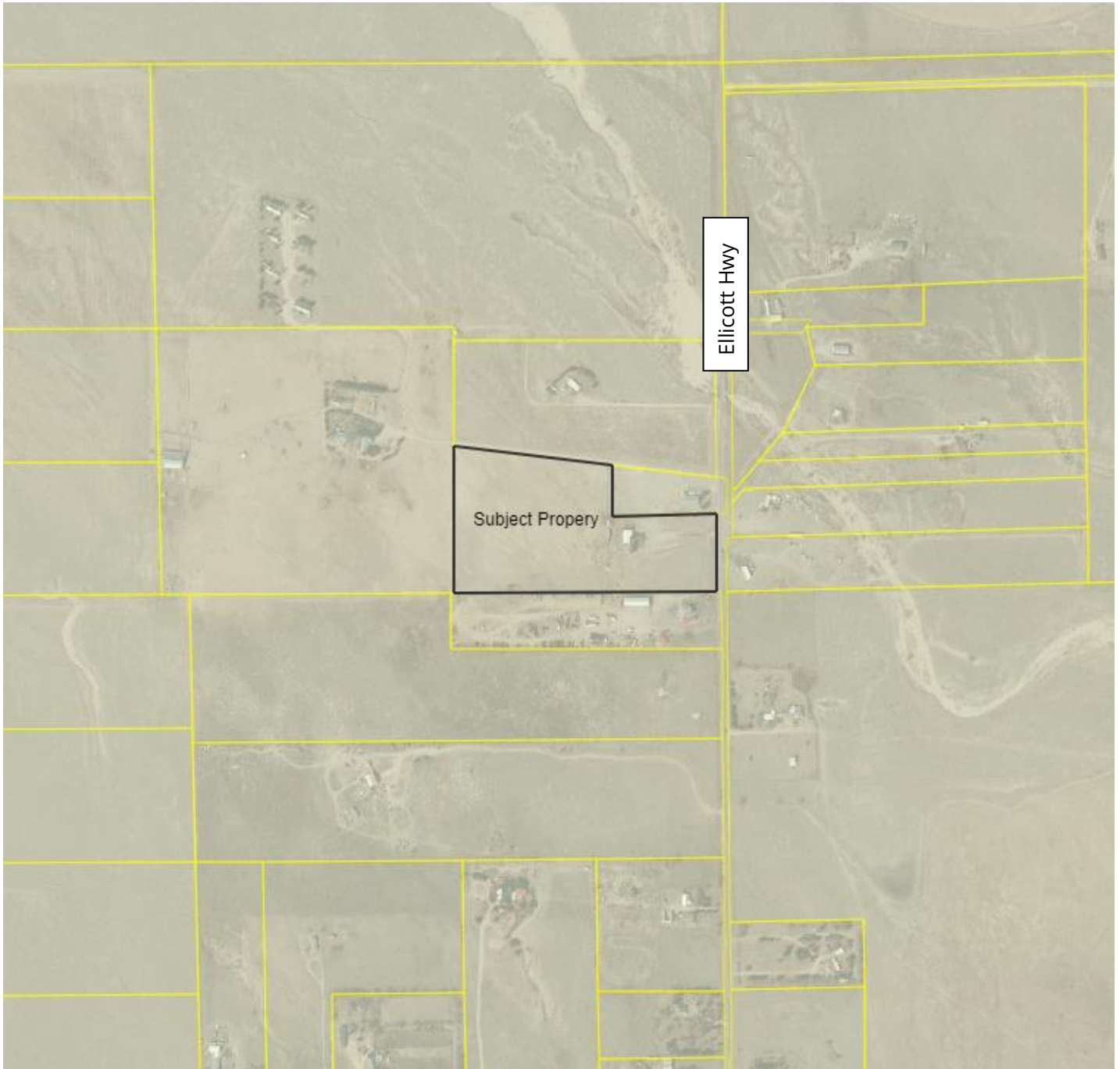
# Map Exhibit #3: Placetype



## Legend

- |   |   |
|---|---|
|  Rural                 |  Employment Center   |
|  Large-Lot Residential |  Regional Open Space |
|  Suburban Residential  |  Mountain Interface  |
|  Urban Residential     |  Military            |
|  Rural Center          |  Utility             |
|  Regional Center       |  Incorporated Area   |

# Map Exhibit #4: Area of Change



### Legend

- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition





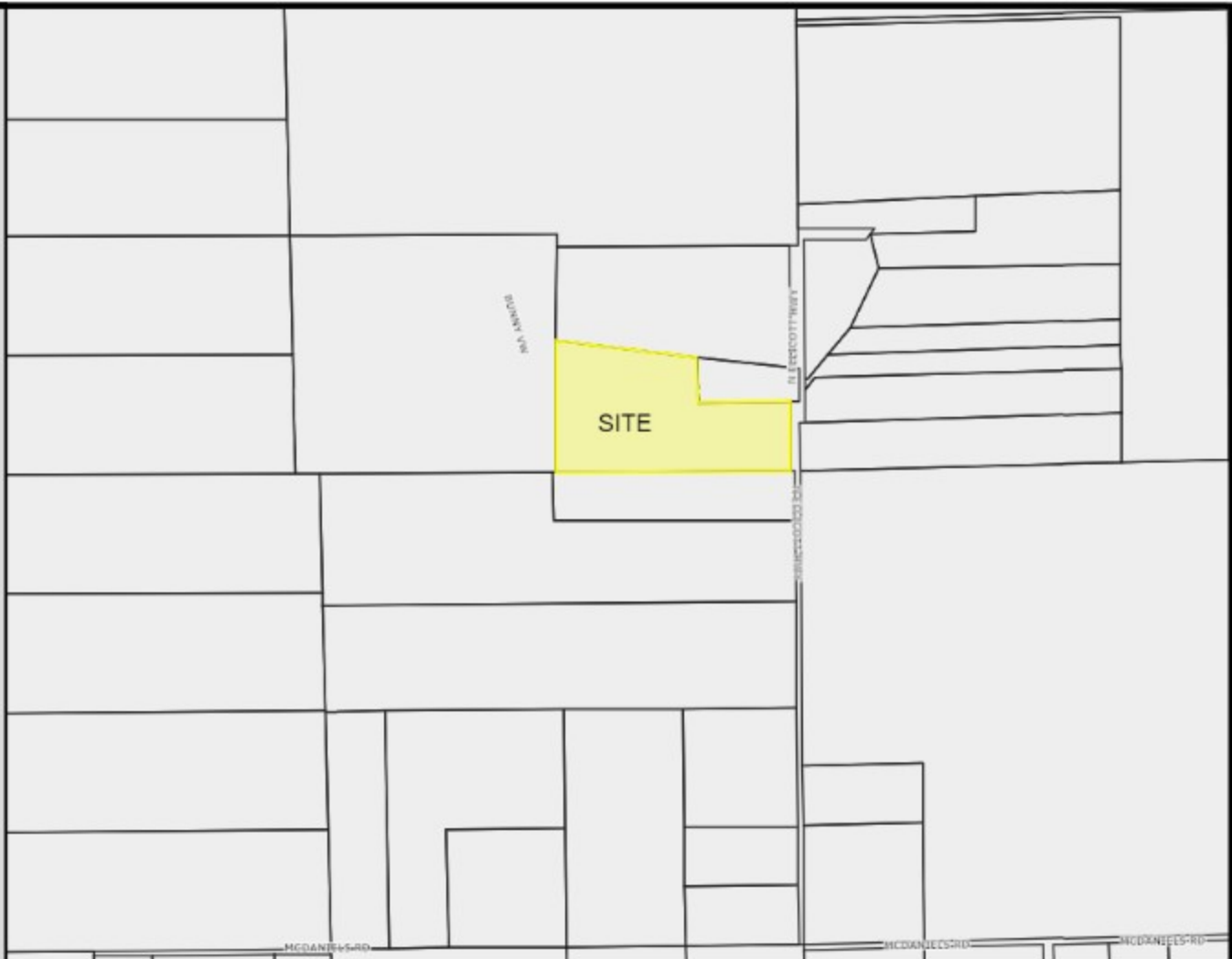
**EL PASO COUNTY**  
**PARCEL INFORMATION**

**FILE NAME:** P232

**PARCEL:** 3400000482

**NAME:** (OWNER)  
CORDERO ANGEL  
EMILIO JR

**ADDRESS:**  
2020 N ELLICOTT HWY  
CALHAN CO, 80808



Please report any parcel discrepancies to:  
El Paso County Assessor  
1675 W. Garden of the Gods Rd.  
Colorado Springs, CO 80907  
(719) 520-6600



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## Letter of Intent: Rezoning

**Date:** 20230324

**Project Name:** 2020 N. Ellicott - MS

**File Number:** P232

**EA Number:** EA2299

**Description:** Subdivision into 3 parcels of no less than 5 acres each

Angel Cordero

719-425-5071

pr\_angel\_c@yahoo.com

Property address: 2020 N Ellicott Hwy, Calhan CO 80808

Property tax schedule number: 3400000482

Current zoning of the property: A-35

I would like to request approval of a rezoning for 2020 N Ellicott Hwy, Calhan CO 80808. The parcel number is 3400000482. A separate minor subdivision application has been submitted requesting the property to be subdivided into 3 single-family residential lots of the following sizes: Lot 1: 6.57 acres, Lot 2: 5.01 acres, and Lot 3: 5.00 acres. The site is 16.58 acres and is currently zoned A-35 with no current overlay zones and would like to be rezoned to A-5 with no overlay zones with the approval of the rezoning. The proposed rezoning meets the following criteria for approval of a rezone, as outlined in the El Paso County Land Development Code.

- The zoning request complies with each of the Criteria of Approval in Chapter 5.
  - This area is shown as Rural Placetype in the El Paso County Master Plan adopted in 2021. The Rural placetype comprises ranchland, farms, and other agricultural uses. The primary land use in this placetype is agriculture however residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development within the rural placetype typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County. The subdivision is proposing lots 5-acres or greater. The Master Plan highlights the desire for primary use of Farm/Homestead and Secondary use of Estate with 5-acre lots. The proposed rezone request from A-35 to A-5 for three 5 acre parcels conforms both of these desires with the creation of three proposed lots. The proposed development fits within the 2040 Major Transportation Corridor Plan. N. Ellicott Hwy is shown as being a minor arterial 2040. Currently sufficient right-of-way exist to accommodate the proposed minor subdivision. The proposed subdivision also fits within the Water Master Plan. The proposed subdivision will be served by individual wells. This is an acceptable method of providing water to a subdivision per the Water Master Plan.
  - The rezoning is in compliance with all applicable statutory provisions.
  - The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.
  - The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5, for the intended zone district.
- The water rights and augmentation plan in place for the existing parcel are adequate to meet the needs of three (3) lots proposed for the subdivision on a 300-year basis. According to Determination of Water Rights No. 3344-BD and 3343-BD, the property has water rights adjudicated in the Arapahoe Aquifer and the Laramie-Fox Hills Aquifer. The proposed water source for the minor subdivision would be the Arapahoe Aquifer, for which the replacement

## Letter of Intent: Rezoning

plan contained in Replacement Plan No. 3344-BD allows for withdrawal of the not non-tributary Arapahoe aquifer water for the subdivision using non-evaporative septic system return flows to return depletions of the stream system during 300 years of pumping the Arapahoe aquifer as noted in the Replacement Plan. Results from the water quality test have been submitted with the final plat application. These items satisfy the requirements outlined in the El Paso County Water Master Plan.

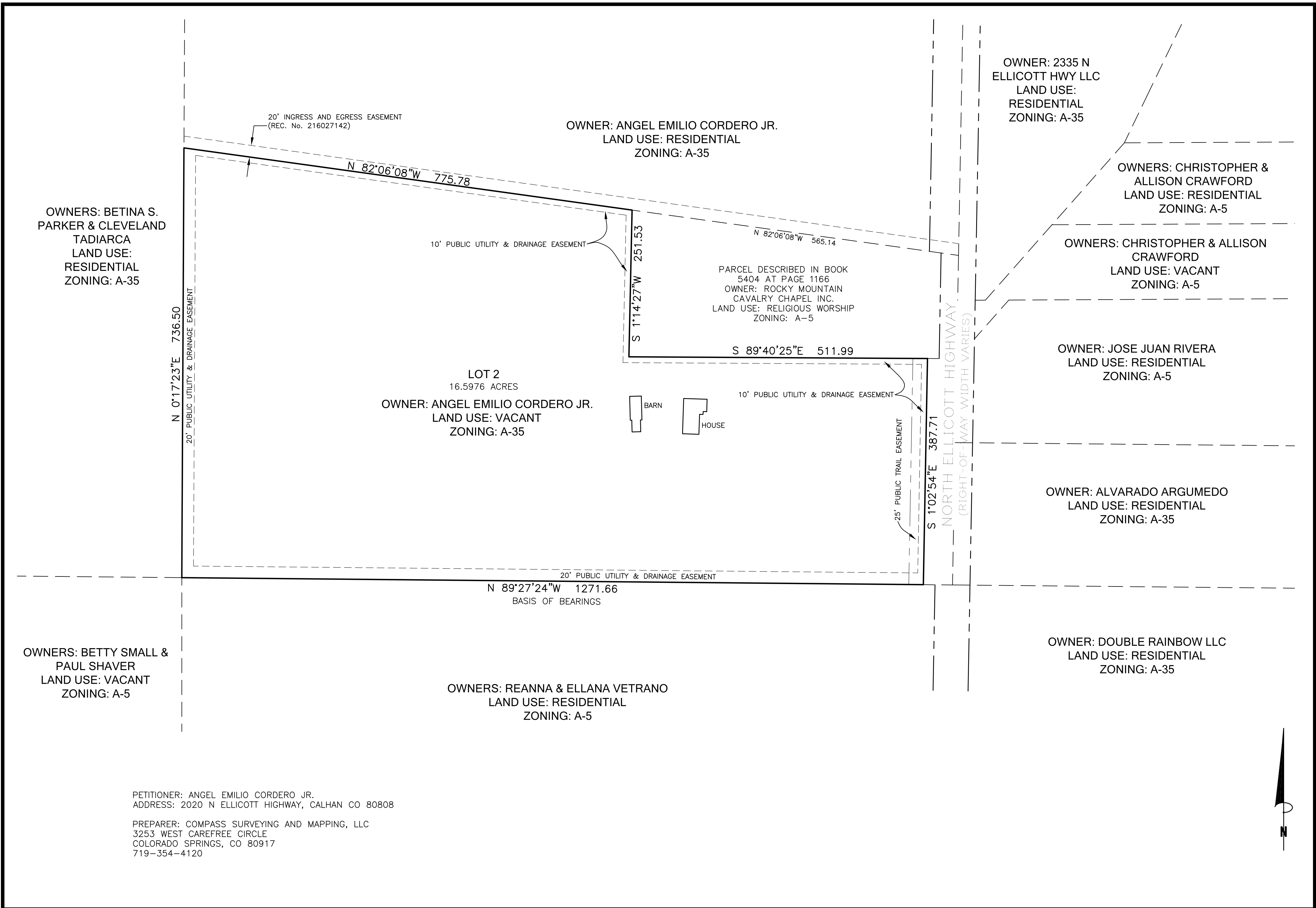
- The proposed request is in compliance with the applicable requirements of the Land Development Code.
- The proposed request complies with the definition of the proposed use. The proposed use is A-5, Residential: Estate Residential (Minimum 1 unit/5-acres). This zoning district is A-5, Agricultural District. The A-5 zoning district is a 5 acre district primarily intended to conserve agricultural resources and ranching operations and accommodate limited residential use. There are no use specific standards being requested at this time.
- Service commitment letters have been provided by Ellicott Fire and Mountain View Electric Association fulfilling the necessary services to be provided. The project is located along N. Ellicott Hwy, so no new transportation systems are required by the project.
- There are no potentially sensitive natural or physical features within the area included within the request.
- On October 11, 2022 I mailed notification letters to all adjacent property owners describing the proposed development.
- The proposed rezoning will generate approximately 4 trips in the A.M. peak hour, 4 trips in the P.M. peak hour and 30 daily trips. Per the El Paso Engineering Criteria Manual Appendix B.1.2D, a Traffic Impact Study is not required if daily vehicle trip is less than 100 or the peak hour trip generation is less than 10. Access to the two new parcels will be through the existing access easement.

Questions regarding the proposed minor subdivision can be directed to the following: myself

I would greatly appreciate your consideration of this request.

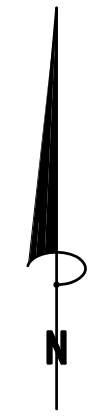
Sincerely,

Angel Cordero  
(Owner)



PETITIONER: ANGEL EMILIO CORDERO JR.  
ADDRESS: 2020 N ELLICOTT HIGHWAY, CALHAN CO 80808

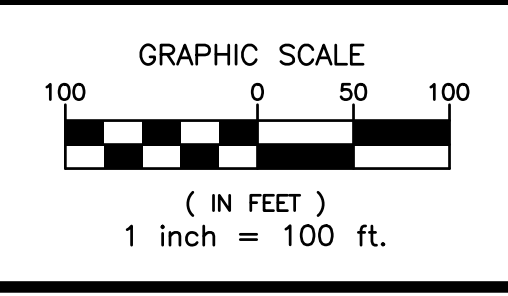
PREPARER: COMPASS SURVEYING AND MAPPING, LLC  
3253 WEST CAREFREE CIRCLE  
COLORADO SPRINGS, CO 80917  
719-354-4120




**COMPASS SURVEYING & MAPPING, LLC**  
3253 WEST CAREFREE CIRCLE  
COLORADO SPRINGS, CO 80917  
719-354-4120  
WWW.CSAMLLC.COM

# REZONING

LOT 2, CORDERO MINOR SUBDIVISION  
FILING NO. 1,  
EL PASO COUNTY, COLORADO



PROJECT NO.	22324
DATE:	MARCH 13, 2023
DRAWN BY:	JMJ
CHECKED BY:	MSJ
SHEET:	1 OF 1

RESOLUTION NO. 23-

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO

APPROVAL OF MAP AMENDMENT (REZONE)  
2020 N. ELLICOTT – CORDERO FIL. 2 REZONE (P232)

WHEREAS Angel Cordero did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the A-35 (Agricultural) zoning district to the A-5 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on September 7, 2023, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on September 28, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That the proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and reviewed, and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.
6. That the proposed land use will be compatible with existing and permitted land uses in the area.

7. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
8. That changing conditions clearly require amendment to the Zoning Resolutions.
9. That for the above-stated and other reasons, the proposed Amendment to the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, pursuant to Section 5.3.5 of the El Paso County Land Development Code, as amended, in approving this amendment to the El Paso County Zoning Map, the Board of County Commissioners considered one or more of the following criteria:

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. §30-28-111, §30-28-113, and §30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Angel Cordero to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the A-35 (Agricultural) zoning district to the A-5 (Agricultural) zoning district;

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the A-5 Agricultural zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 28<sup>th</sup> day of September, 2023, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

Lot 2, Cordero Minor Subdivision, El Paso County, Colorado.